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Rob McGarry

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EXAMINER

MANOHARAN, MUTHUSWAMY GANAPATHY

ART UNIT

PAPER NUMBER

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/672,139	Applicant(s) MCGARRY, ROB	
	Examiner Muthuswamy G. Manoharan	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

Application number for this document is 10/672139 whereas the application number listed on top left corner of Remarks/Arguments (dated November 28, 2006) as well as the claims sections is 10/099438. Appropriate correction is requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irvin (US 6195568) in view over Yoneyama et al. (hereinafter Yoneyama) (US 6771954).

Regarding **claim 1**, Irvin teaches a system that provides an access mode, comprising: an input component that receives a signal (item 120 in Figure 3); a retrieving component that utilizes the signal to obtain the access mode (item 180 in Figure 3); and a loading component that activates the access mode to provide a user with functionality associated with the access mode (item 190 in Figure 3; Also, Col. 5, lines 10-33).

Irvin did not teach specifically, a system provides an access mode, wherein a signal being transmitted from a transmitter selected from the group consisting of a cell tower, a wireless network transmitting device, and a microprocessor-based device. However, Yoneyama teaches in an analogous art, a system provides an access mode, wherein a signal being transmitted from a transmitter selected from the group consisting of a cell tower, a wireless network transmitting device, and a microprocessor-based device ("**remotely switching operation mode of portable wireless communication terminals via a wireless network**", Col. 2, lines 21-30, Col. 5, lines 40-45). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use a system provides an access mode, wherein a signal being transmitted from a transmitter selected from the group consisting of a cell tower, a wireless network transmitting device, and a microprocessor-based device. This modification is useful in controlling an operational mode of remote cellular phones when they are lost or stolen.

Regarding **claim 2**, Irvin teaches the system of claim 1, the signal is a user-generated request for the access mode (Col. 3, lines 1-21; Figure 4).

Regarding **claim 3**, Irvin teaches the system of claim 1, the signal is indicative of the access mode (Figure 2).

Regarding **claim 4**, Irvin teaches the system of claim 1, the access mode is one of a plurality of pre-defined access modes (Figure 2).

Regarding **claim 5**, Irvin teaches the system of claim 1, the access mode comprises at least one of an infant mode, a toddler mode, a child mode, a teen mode, a friend mode, an owner mode, a security mode and an administrator mode (Figure 4; Col. 5, lines 15-19; lines 35-40).

Regarding **claim 6**, Irvin teaches the system of claim 1, the access mode includes a subset of available functionalities (Figure 2). This claim is not teaching anything new.

Regarding **claim 7**, Irvin teaches the system of claim 1, the access mode is configured to disable radio frequency transmission and reception (item 150 in Figure 3).

Regarding **claim 8**, Irvin teaches the system of claim 1, further comprising a component that issues and reads a security code that provides the user with the ability to manually activate and deactivate a particular access mode of a plurality of access modes (Col. 5, lines 47-48).

Regarding **claim 9**, Irvin teaches the system of claim 1 is employed in connection with one of a mobile communication device and a computer (item 20 in Figure 4).

Regarding **claim 10**, Irvin teaches the system of claim 9, the mobile communication device is a cell phone (Col. 1, line 25).

Regarding **claim 11**, Irvin teaches a system that distributes one or more user-based privileges, comprising: an identification component that maps a user input to a user (items 120, 130 in Figure 5); a filter component that retrieves the one or more privileges associated with the user, the one or more privileges determine a subset of feature(s) from a set of available features that a user can employ (item 170 in Figure 3); and a loading component that loads the one or more privileges to a computing device so that the user can employ the subset of features via the device (items 180 and 190 in Figure 3 ; Also, Col. 5, lines 10-33).

Irvin did not teach specifically, a system, wherein the user input being transmitted from a transmitter selected from the group consisting of a cell tower, a wireless network transmitting device, and a microprocessor-based device. However, Yoneyama teaches in an analogous art, a system, wherein the user input being transmitted from a transmitter selected from the group consisting of a cell tower, a wireless network transmitting device, and a microprocessor-based device ("**remotely switching operation mode of portable wireless communication terminals via a wireless network**", Col. 2, lines 21-30, Col. 5, lines 40-45). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use a system, wherein the user input being transmitted from a transmitter selected from the group consisting of a cell tower, a wireless network transmitting device, and a microprocessor-based device.

This modification is useful in controlling an operational mode of remote cellular phones when they are lost or stolen.

Regarding **claim 12**, Irvin teaches the system of claim 11, the one or more privileges are associated with at least one level of functionality ("operational profile", Figure 2).

Regarding **claim 13**, Irvin teaches the system of claim 11, the one or more privileges are associated with one or more users (Figure 2).

Regarding **claim 14**, Irvin teaches all the particulars of the claim except the system of claim 11, wherein the one or more privileges are grouped by the user to form a custom level of functionality (Col. 3, lines 2-4).

Regarding **claim 15**, Irvin teaches the system of claim 11 is employed in connection with one of a mobile communication device and a computer (item 20 in Figure 4).

Regarding **claim 16**, Irvin teaches a system that intelligently selects a mode, comprising: a component that accepts information (item 120 in Figure 3); a decision component that utilizes the information to select the mode (items 140-170 in Figure 3), and a processing component that loads the mode to define a scope of access for a device (item 190 in Figure 3; Also, Col. 5, lines 10-33).

Irvin did not teach specifically, a system wherein the information being transmitted from a transmitter selected from the group consisting of a cell tower, a wireless network transmitting device, and a microprocessor-based device. However, Yoneyama teaches in an analogous art, a system, wherein the information being transmitted from a transmitter selected from the group consisting of a cell tower, a wireless network transmitting device, and a microprocessor-based device ("**remotely switching operation mode of portable wireless communication terminals via a wireless network**", Col. 2, lines 21-30, Col. 5, lines 40-45). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use a system, wherein the information being transmitted from a transmitter selected from the group consisting of a cell tower, a wireless network transmitting device, and a microprocessor-based device. This modification is useful in controlling an operational mode of remote cellular phones when they are lost or stolen.

Regarding **claim 17**, Irvin teaches the system of claim 16, the mode is one of a pre-defined mode or an automatically generated mode (Figure 2).

Regarding **claim 18**, Irvin teaches all the particulars of the claim except the system of claim 16, the mode expires after time duration, a number of user requests, completion of a demonstration or completion of a training application. However, Yoneyama teaches in an analogous art, the system of claim 16, the mode expires after time duration, a number of user requests, completion of a demonstration

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or completion of a training application ("time period", "number of terminations used", Col. 2, lines 25-27). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the system; the mode expires after time duration, a number of user requests, completion of a demonstration or completion of a training application. This modification provides additional features to the existing system and hence makes the system more secure.

Regarding **claim 19**, Irvin teaches the system of claim 16, the decision component employs at least one of a statistic, a probability, an inference and a classifier to facilitate selecting the mode ("pattern recognition parameters"; Col 1, lines 18-21; Col. 5, lines 54-67; Col. 6, lines 1-4).

Regarding **claim 20**, Irvin teaches the system of claim 16, the decision component employs one or more of a Bayesian learning model, a Bayesian classifier, a decision tree learning model, a support vector machines, a linear regression, a non-linear regression and a neural network to facilitate selecting the mode ("pattern recognition"; Col 1, lines 18-21; Col. 5, lines 54-67; Col. 6, lines 1-4). These are well known in the field of decision theory/detection theory/statistical pattern recognition/hypothesis testing.

Regarding **claim 21**, Irvin teaches the system of claim 16, the information is associated with one of a signal indicative of the mode or the user (Figure 2).

Regarding **claim 22**, Irvin teaches the system of claim 16 is employed in connection with a mobile phone (Col. 1, line 25).

Regarding **claim 23**, Irvin teaches a methodology that activates a mode, comprising: receiving a signal indicative of the mode to activate (item 120 in Figure 3); interpreting the signal (items 130 and 140 in Figure 3); retrieving the mode, based at least in part on the interpretation, and activating the mode (items 170, 180, 190 in figure 3).

Irvin did not teach specifically, a system provides an access mode, wherein a signal being transmitted from a transmitter selected from the group consisting of a cell tower, a wireless network transmitting device, and a microprocessor-based device. However, Yoneyama teaches in an analogous art, a system provides an access mode, wherein a signal being transmitted from a transmitter selected from the group consisting of a cell tower, a wireless network transmitting device, and a microprocessor-based device ("**remotely switching operation mode of portable wireless communication terminals via a wireless network**", Col. 2, lines 21-30, Col. 5, lines 40-45). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use a system provides an access mode, wherein a signal being transmitted from a transmitter selected from the group consisting of a cell tower, a wireless network transmitting device, and a microprocessor-based device. This

modification is useful in controlling an operational mode of remote cellular phones when they are lost or stolen.

Regarding **claim 24**, Irvin teaches the methodology of claim 23, the mode includes a set or a subset of an available functionality (Figure 2). This claim is not teaching anything new.

Regarding **claim 25**, Irvin teaches the methodology of claim 23, the mode is one of a plurality of modes; respective modes have at least one different privilege (Figure 2). Also, it is a design choice (Col. 5, lines 14-16)

Regarding **claim 26**, Irvin teaches the methodology of claim 23, the mode comprises one or more of an infant mode, a toddler mode, a child mode, a teen mode, a friend mode, an owner mode, a security mode and an administrator mode (Figure 4; Col. 5, lines 15-19; lines 35-40).

Regarding **claim 27**, Irvin teaches the methodology of claim 23; the mode is configured to disable radio frequency transmission and reception (item 150 in Figure 3).

Regarding **claim 28**, Irvin teaches the methodology of claim 23 is employed in connection with a mobile phone (Col. 1, line 25).

Regarding **claim 29**, Irvin teaches a methodology that activates a mode, comprising: obtaining user information (item 120 in Figure 3); mapping the user information to determine a user identification (item 140 in Figure 3); utilizing the user identification to select and obtain a level of access associated with the user from a plurality of levels, and loading the level of access (items 170-190 in Figure 3).

Regarding **claim 30**, Irvin teaches the methodology of claim 29, the user information comprising indicia indicative of the user (Col. 3, lines 13-15).

Regarding **claim 31**, Irvin teaches the methodology of claim 29, the user input comprising at least one of a unique identification, a logon, a password, voice, an iris map, a fingerprint and a facial characteristic ("passwords", Col. 3, lines 14-16; "finger prints", "retina scans", Col. 6, lines 20-23).

Regarding **claim 32**, Irvin teaches the methodology of claim 29, further comprising employing intelligence to facilitate selecting the level of access (Col. 3, lines 1-20).

Regarding **claim 33**, Irvin teaches a mode dispensing system, comprising: means for receiving an input associated with a mode; means for retrieving the mode

based at least in part on the received input, and means for activating the mode (Figures 1-4).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muthuswamy G. Manoharan whose telephone number is 571-272-5515. The examiner can normally be reached on 7:00AM-2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eng George can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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